THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.4842 of 2006

Between:

N.Venkataramudu and another … Petittioners

And

The District Collector, Anantapur and

2 others. …Respondents

ORDER:

Petitioners question the action of the respondents in not considering the representation of the petitioners dated 8.12.2005 as illegal and arbitrary and consequently direct the 1st respondent to dispose of the said representation and further direct the respondents not to assign the land pending consideration of the said representation.

It is stated that the land admeasuring to an extent of Ac.0.26 cents was purchased by the petitioner vide registered sale deed dated 2.8.2004 from Nagaraju and Rudra Sai. The said Nagaraju and Rudra Sai got the said land through one Namburi Chinnaiah Chowdhary, who purchased the said land vide agreement of sale from Mummaneni Subbaiah. As he failed to execute the same, the said Namburi Chinnaiah Chowdhary filed O.S.No.25 of 1988 for specific performance for agreement of sale and the same was decreed.

It is the case of the petitioners that in between the said 0.26 cents of land in Sy.No.48-2 and to reach 80 feet road there is small extent of Government land in Sy.No.284. It is stated that the said small extent of land of the Government is only available to have an approach road to the petitioners' land to the main road. It is stated that the petitioners filed representation dated 8.12.2005 before the District Collector, Anantapur, stating that they wanted to construct a house in the said land of 0.26 cents in Sy.No.48-2 adjacent to the Government land situated in Sy.No.284-12 and except that land there is no other land

available. It is further stated that to the Eastern side of the land purchased by the petitioners there is 80' wide road constructed by Puttaparthi Development Authority and there is a poramboke land approximately 12 feet in Sy.No.284-12 and land measuring 12 feet wide in Sy.No.276-21, 24. Accordingly, the petitioners made a representation dated 8.12.2005 either permit the petitioners to lay road in the said Government land towards Eastern side of the petitioners' land or the said land may be assigned in their favour on collection of market fee.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue on behalf of the respondents.

I am not inclined to express any opinion with regard to the inconvenience caused to the petitioners and whether it is the only way that is available to have approach road from the land of the petitioners to the main road or not. Having regard to the facts and circumstances of the case, as the petitioners made a representation on 8.12.2005 which is pending before the District Collector, the first respondent is directed to consider and dispose of the said representation in accordance with law within a period of four months from the date of receipt of a copy of this order. Till then, the said land in Sy.No.284-12 may not be assigned in favour of third parties.

The writ petition is disposed of accordingly. No order as to costs.

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(V.ESWARAIAH, J.)

13.3.2006

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